

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7600

Investigation into (1) whether Entergy Nuclear )  
Vermont Yankee, LLC, and Entergy Nuclear )  
Operations, Inc.,(collectively, "Entergy VY"), )  
should be required to cease operations at the )  
Vermont Yankee Nuclear Power Station, or take )  
other ameliorative actions, pending completion )  
of repairs to stop releases of radionuclides, )  
radioactive materials, and, potentially, other )  
non-radioactive materials into the environment; )  
(2) whether good cause exists to modify or )  
revoke the 30 V.S.A. § 231 Certificate of Public )  
Good issued to Entergy VY; and (3) whether )  
any penalties should be imposed on Entergy VY )  
for any identified violations of Vermont statutes )  
or Board orders related to the releases )

Order entered: 4/6/2010

**ORDER RE: MOTIONS TO INTERVENE**

**Introduction**

In this Order, the Vermont Public Service Board ("Board") considers motions to intervene filed by the Vermont Natural Resources Council ("VNRC") and the Connecticut River Watershed Council ("CRWC"). As explained herein, we grant VNRC's and CRWC's motions on a permissive basis; their intervention is limited to the interests identified in their motions. We also confirm the party status in this proceeding of Central Vermont Public Service Corporation ("CVPS"), the New England Coalition ("NEC"), the Conservation Law Foundation ("CLF"), Green Mountain Power Corporation ("GMP"), Vermont Electric Cooperative, Inc. ("VEC"), the Windham Regional Commission ("WRC"), the Vermont Public Interest Research Group ("VPIRG"), and IBEW Local 300 ("IBEW").

**Procedural History - VNRC and CRWC**

On March 15, 2010, VNRC requested intervention in this proceeding. VNRC states that it is an environmental conservation organization advocating the sustainable use and protection of Vermont's natural resources, including the protection of Vermont's groundwater, and that its interest in Docket No. 7600 is the same as its interest in Docket No. 7440 in which the Board previously granted VNRC intervenor status on a permissive basis. VNRC asserts that it and its members have a substantial interest in ensuring that the decision to relicense the Vermont Yankee Nuclear Power Station ("Vermont Yankee") adequately protects Vermont's groundwater from contamination, and is consistent with the requirements of Vermont law that groundwater be protected and managed as a public trust resource.<sup>1</sup>

Included as part of VNRC's filing of March 15 was a request from CRWC to intervene in Docket Nos. 7440 and 7600.<sup>2</sup> CRWC states that is an organization advocating for the responsible stewardship of the entire Connecticut River Watershed to promote improvement of water quality and the restoration, conservation and sustainable use of the natural resources of the river. CRWC states that it has a substantial interest in these Dockets to address the potential contamination of the Connecticut River from the leak of radionuclides, radioactive materials, and other non-radioactive materials into the river by Vermont Yankee. In addition, CRWC asserts that it is the only environmental organization in Vermont solely focused on protecting the Connecticut River.

On March 26, 2010, Entergy Nuclear Vermont Yankee, LLC, and Entergy Nuclear Operations, Inc. (jointly, "Entergy VY") filed a response to the motions of VNRC and CRWC. Entergy VY stated that it did not object to VNRC's and CRWC's intervention on a permissive basis, so long as the interventions are limited to the interests that each has identified.

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1. 10 V.S.A. § 1390(2) and (5).

2. CRWC's motion to intervene in Docket No. 7440 will be addressed in a separate order.

**Board Discussion and Conclusion**

We hereby grant the motions to intervene filed by VNRC and CRWC on a permissive basis. The scope of the intervention for each is limited to the interests identified by the party.<sup>3</sup>

**Intervention by Other Parties from Docket No. 7440**

We previously determined that the parties from Docket No. 7440 could intervene in this proceeding without filing a formal motion to intervene; however, each of those parties would still need to file a notice of appearance and letter requesting intervention.<sup>4</sup> To date, the following parties from Docket No. 7440 have complied with this requirement: CVPS, NEC, CLF, GMP, VEC, AIV, WRC, VPIRG and IBEW. We hereby grant these parties intervention in this docket on a permissive basis under Board Rule 2.209(B) with the intervention limited to the interests stated in the Docket No. 7440 motions to intervene.

**So ORDERED.**

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3. We note that, in addition to being limited to the interests identified in each party's motion, the scope of intervention is also limited to issues within the Board's jurisdiction. For example, as we have previously observed, the Board is preempted from consideration of radiological health and safety, although the Board retains jurisdiction to act within areas of traditional state responsibility, such as need, reliability and cost. *See* Docket 7082, *Petition of Entergy Nuclear Vermont Yankee and Entergy Nuclear Operations*, Order of 4/26/06 at 14–16.

4. Docket No. 7600, Prehearing Conference Memorandum of 3/18/10 at 4.

Dated at Montpelier, Vermont, this 6<sup>th</sup> day of April, 2010.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: April 6, 2010

ATTEST: s/Susan M. Hudson  
Clerk of the Board

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